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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

**NORTHWEST ENVIRONMENTAL
DEFENSE CENTER, WILDEARTH
GUARDIANS, and NATIVE FISH
SOCIETY,**

Plaintiffs,

v.

**U.S. ARMY CORPS OF ENGINEERS
and NATIONAL MARINE
FISHERIES SERVICE,**

Defendants,

and

CITY OF SALEM and MARION COUNTY,

Defendant-Intervenors,

Case No. 3:18-cv-00437-HZ

**JOINT PROPOSED SCHEDULE FOR
REMAINDER OF REMEDY PHASE**

Counsel for the parties have conferred and submit the following proposed schedule to complete the remedy phase of this litigation. In light of the extensive briefing, declarations, and exhibits already before the Court, the parties do not believe that depositions and an evidentiary hearing are necessary to address the issues that have been raised to this point in the case. However, the FRE 706 expert's report will present new information to the parties and the Court, and thus the parties or the Court may desire further testimony from the neutral expert or responses from the parties or the parties' experts. Accordingly, the parties submit the following proposed schedule to the Court:

- The FRE 706 expert report would be issued by March 29, 2021.
- If one or more of the parties wish to depose the FRE 706 expert, that deposition would occur the week of April 12, 2021 (subject to the FRE 706 expert's availability; if unavailable, then as soon thereafter as practicable).
- The parties will submit any written responses to the FRE 706 expert report, including any rebuttal declarations from their own experts, by April 30, 2021.
- The Court will hold the currently-scheduled May 6-7, 2021 dates for oral argument and/or an evidentiary hearing related to the information provided in the FRE 706 expert report and written responses. The parties shall inform the Court whether they believe live testimony about the FRE 706 expert report is warranted by April 23, 2021.

Should the Court desire live testimony at an evidentiary hearing to consider issues beyond those addressed in the FRE 706 expert report, the parties request the Court advise the parties as soon as possible that it desires a broader hearing, and which issue or issues the parties should be prepared to address, to allow the parties to develop a new schedule for that process to

include additional depositions and preparation for a more extensive evidentiary hearing. In lieu of live testimony, the parties are willing to provide supplemental briefing or declarations to answer specific questions that the Court may have about issues already raised.

Dated: January 26, 2021

Respectfully submitted,

/s/Lauren M. Rule

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